



Dep't Ref
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PATENT
2185-0156P

IN THE U.S. PATENT AND TRADEMARK OFFICE

#8

Applicant: John E. Boynton et al.
Appl. No.: 09/331,723 Group: 1616
Filed: August 18, 1999 Examiner: UNKNOWN
For: METHODS OF CONFERRING PPO-INHIBITING
HERBICIDE RESISTANCE IN PLANTS BY GENE
MANIPULATION
Patent No.: Issued:
Control No.:

Assistant Commissioner for Patents
Washington, DC 20231

September 29, 2000

ATTN: W.P. ERWIN, DIRECTOR OF FINANCE
REFUND SECTION
ACCOUNTING DIVISION
OFFICE OF FINANCE

REQUEST FOR REFUND
(Improper Charge of Deposit Account)

REFUND REQUEST

This is a request for a refund with respect to the charge to
Deposit Account 02-2448 shown on the statement dated September 30,
1999 for the above-identified

- ☒ application
☐ patent
☒ A copy of the monthly statement in which the error referred
to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED



AMOUNT OF
REFUND
REQUESTED

- ☐ filing fee
- ☐ surcharge for filing the basic filing
on a date later than the filing date
of the application (37 C.F.R. § 1.16(e))
- and/or
- ☐ surcharge for filing the oath or declaration
on a date later than the filing date of the
application (37 C.F.R. § 1.16(e))
- ☐ extension of term
- ☐ first month
- ☐ second month
- ☐ third month
- ☐ fourth month
- ☒ excess claims
- ☐ issue fee
- ☐ petition fee
- ☐ patent maintenance fee
- ☐ first maintenance fee
- ☐ second maintenance fee
- ☐ third maintenance fee
- ☐ patent maintenance fee surcharge
- ☐ Other: _____

360.00

TOTAL REFUND REQUESTED

\$360.00

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

The above-identified application was filed on August 18, 1999. A Preliminary Amendment was also filed on August 18, 1999 correcting improper multiple dependent claims. Taking the Preliminary Amendment into consideration, the total claim count was 63 claims, with 5 independent claims. The filing fee for excess total claims ($63-20=43 \times \$18.00 = \774.00) was correctly calculated. However, a typographical error occurred on the Form PTO 1390 which resulted in a \$78.00 deficiency in the check accompanying the above-identified application ($5-3=1 \times \$78.00=\78.00), a copy of which is attached hereto. Therefore, it can be correctly noted that the check was deficient in the amount of \$78.00. The U.S. Patent and Trademark Office correctly charged Deposit Account in the amount of \$78.00 on September 20, 1999.

However, the U.S.P.T.O. also charged the Deposit Account in the above-identified application \$360.00 for additional excess claims on September 20, 1999. It appears that the person counting the claims in the new application at the U.S.P.T.O. did not take the Preliminary Amendment into consideration. Therefore, a refund in the amount of \$360.00 is requested.

IV. MANNER OF REFUND

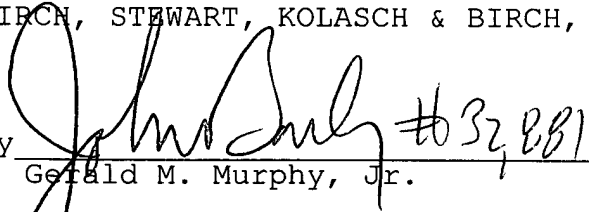
Please make refund by crediting Account No. 02-2448.

We respectfully request that the attached copy of this letter be returned to us with an indication that the credit has been processed.


Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

 #32,881
Gerald M. Murphy, Jr.

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000


GMM/CAM/jao
2185-0156P

Attachments

(Rev. 04/19/2000)

CPO ACCOUNT
8110 GATEHOUSE ROAD, SUITE 500 EAST

P.O. BOX 747
FALLS CHURCH, VA 22040-0747

PAY

Two Thousand, Eighty-Two & 00/100 Dollars

Crestar Bank
Alexandria, Virginia

68-107
560

DOLLARS

TO THE
ORDER
OF
COMMISSIONER OF PATENTS AND TRADEMARKS

I.D. NO

DATE:

06/25/99

AMOUNT

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U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

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